

on my part that the legislation will withstand constitutional muster. There is no doubt there is a need to act with dispatch.

In my judgment, and I have communicated this to the Chairman and Ranking Member of the Senate Judiciary Committee, we could have held a hearing three weeks ago. We could have worked on a Friday or Saturday. That is not beyond the workload of the Senate. Perhaps, we could have held closed sessions on confidential material. Also, we could have marked up the bill, undergoing the usual deliberative process—the Senate Judiciary Committee works on bills of much lesser importance—and then have had it reported to the floor. Instead, the bill lay unproduced and held at the desk for action under Rule 14 without that customary committee hearing process, committee deliberation, and committee markup in executive session.

I thought, in the absence of any other Senator in the Chamber, that it would be appropriate to make a few comments in that regard at this time.

But there is no doubt that there is a very heavy overhang on Washington, DC, at the present time as a result of the September 11 terrorist attacks. That very heavy overhang really exists, as I see it, across the country. I felt this when Senator SANTORUM and I went to Somerset County, Pennsylvania on September 14, 3 days after the September 11 attack. Although there had been no casualties on the ground, 40 Americans had lost their lives in that ill-fated plane, and there was a great urgency in hearing from Washington, D.C. alongside a great sense of concern.

Earlier today I went to Pennsylvania to meet with the Pennsylvania Business Roundtable. Again, there is a sense in the air of a heavy cloud over America, which we have to work through. I am confident that we will. I believe the Bush administration has done an excellent job in organizing an international coalition and not acting precipitously, but rather, acting very carefully. I believe Osama bin Laden will be brought to justice.

In the interim, as we look through the kinds of problems which law enforcement faces, I think it is important for Congress to have acted with dispatch—really even earlier than that. However, that could be done only with appropriate regard for constitutional rights. We can have deliberation, with hearings and analysis, get the job done for law enforcement, and protect constitutional rights at the same time. As we work through the very important issue of homeland security and the issue of reorganization of the intelligence community, I welcome comments from my colleagues on the draft legislation which I am submitting into the RECORD. It is going to require collaboration from many Members.

As I have said, Congressman THORBERRY has already introduced legislation in the House; Senator LIEBERMAN and Senator ROBERT GRAHAM of Florida are working on it, as am I. I think from this we can structure some legislative changes which can better protect America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was not able to be here prior to the statement of the distinguished Senator from Pennsylvania. I would note both on the Intelligence Committee and on the Judiciary Committee his has been one of the most consistent and most clear voices on these issues. In fact, one of the things that disappointed me when we brought up the terrorism bill is the Attorney General was able to stay there only for part of the hearing. I was glad he was able to stay long enough for what was intended to be the first round of questioning, questioning from the senior Senator from Pennsylvania. He has a way of getting to the crux of the matter. I would have liked to have gone further on that.

These are serious matters. I get concerned when we have to rush things through without the kind of deliberation and scrutiny they deserve. The Senator from Pennsylvania has raised the obvious fact of making, for constitutional purposes, a record demonstrating legislative intent. Among all the suggestions he made, this is one to which we should pay the most attention. Sometimes as we rush—I say that as one who wants to get a terrorism bill up here and voted on, and hoping the House can do the same and we can get on to conference. But, frankly, we can spend a lot of time on this floor sometimes debating matters that are of minuscule moment and we would be better off if we did the kind of long-range thinking that he and others have discussed.

I think in the report, our former colleagues, Senator Rudman of New Hampshire and Senator Hart of Colorado, after September 11, after the fact, made everybody come and dust them off and say a lot of what happened was predicted here, and how we respond to it.

I worry sometimes also we think by passing a new law we will protect ourselves. We will go back, the Senate will go back—and I am sure the House will, too—and review the files of the Department of Justice, the FBI, and others for information that was there and perhaps not looked at nor acted upon prior to September 11. That is not to find scapegoats but to say: Was this a mistake? Had it been done differently would we have stopped this terrorist attack?

Sometimes we close the barn door after the horse has been stolen. We spend billions of dollars around this

country so you cannot drive a car bomb into the lobby of buildings. In this case, the bomb came through the 80th floor of the building.

We should look at this matter very carefully, find out where mistakes were made prior to the 11th—and there were—find out what is needed, and I suspect it will not be just new laws but new ways of doing things to take care of it.

On the question of better use of computers, certainly the better use of translators, if you have after the fact the Attorney General and the FBI Director having to go on public television saying, please, we need some people and we will pay \$35 or \$40 an hour to translate Arabic material or whatever other languages, somebody has to ask the question: Why weren't you doing that before?

There are so many things we have to do. But I hope people listen to the Senator from Pennsylvania. I intend to. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SECURITY ACT

Mr. MCCAIN. Mr. President, I hope that in about an hour we will be moving to the Airport Security Act since those 30 hours will then be close to expiration.

I want to clarify a statement that I made on the floor earlier. I do oppose nongermane, nonrelevant amendments. I announced that when this bill was first—we thought it was going to be considered. But I want to point out that I have been in negotiations and discussions with various Members who are concerned about those individuals who have been directly impacted by Federal action, closing down the airways and the airports, including Reagan National Airport which just recently reopened.

I think if we can reach an agreement, scale back dramatically the original proposals, that we could come to some agreement and attach that to this bill. But it would have to be acceptable to a large majority of the Members of the Senate.

Although I oppose nongermane amendments, I also think we need to act on the issue of those who are directly affected by Federal action as a result of the shutdown of the airlines across this country.

I wanted to make that clear.

I continue to hold discussions on both sides of the aisle to see if there is

a way we can come to agreement and thereby have it as a part of this legislation, particularly since the administration has not made a commitment at this time to have it on any pending vehicle.

I wanted to clarify my position on the issue.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation? Are we in morning business?

The PRESIDING OFFICER. The Senate is considering under cloture the motion to proceed on S. 1447.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to proceed for 5 minutes as if in morning business but with the time applying against the clock on cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR MIKE MANSFIELD

Mr. LEAHY. Mr. President, today is one of the days I have had kind of a bittersweet experience. For me, the bittersweet experience was going to the funeral of the former distinguished majority leader of the Senate for 16 years, Mike Mansfield; bitter because you never want to see such a person and such a giant's life come to an end; sweet though because he had 98 very fulfilling years.

At the end of those 98 years, we listened to the tales from his family, associates, and others who reminded all of us what a great man he was. The irony is that Senator Mansfield would not have let any one of us talk on at such length and be so praiseworthy about him here on the floor. He was very modest. But I thought of the wonderful moments that could remind each other—those of us who had the privilege of serving with Senator Mansfield and those of us who came later—of what a great man he was.

I first met Mike Mansfield when I was Senator-elect. I came in here as a 34-year-old prosecutor. The terms actually overlapped. I came into this building I used to visit as a law student. But now I carried this mantle of U.S. Senator, and I was probably far more nervous than I once was as a law student.

Senator Mansfield was one of the first people I got to see. I remember him inviting me into his office. He asked if I wanted some coffee. My nerves were shaky enough at that point, I didn't need it, but I said: Of

course. He poured it out and handed it to me. He asked me about my life, and all that. I was trying to ask questions.

I always called him Mr. Leader. But I remember one thing he said was: You are going to be here at least 6 years. You may be here a lot longer. But remember, in the Senate we keep our word. And if you commit to something, if you tell another Senator you are going to do something, then always keep your word, even if it turns out that politically it is not going to be helpful for you because it is the only way we can operate in this body. We do it on trust.

He also said: The other thing is, if you vote on something, and afterward you think you cast the wrong vote, don't worry about it. I guarantee you, the issue will come up again, and you will get to vote the right way.

He was right on both occasions. I have cast votes that afterward I thought: That was kind of a dumb thing to do. I will wait for another time to bring it up. It will come back up, and I can vote the right way.

But I do remember what Senator Mansfield said: Keep your word. You always keep your word.

We had some real giants serving in the Senate at that time. I remember Senator Mansfield, when things would get bogged down in this Chamber, would come through and sort of tap a few people on the shoulder and suggest they come in the back room; and then we would pass a great deal of legislation in that back room, as Senator Mansfield would puff on his pipe, and with very few words he would get warring parties to seek peace and move on with the Nation's business.

He was very nice to my family. He used to give a speech every year to the caucus, saying: There is no seniority. There is no juniority. We are all equal. He gave that speech one day, and Senator Abourezk of South Dakota, who, like me, was one of the most junior Members here, stood up and said: Mr. Leader, I was so impressed with that speech, especially as one of the most junior Members, that there is no seniority, no juniority. Senator Mansfield thanked him for his statement, and Senator Abourezk said: Because of that, could I borrow your limousine and driver tonight? Senator Mansfield took the pipe out of his mouth and, with a quiet smile, said: No.

There were certain limits, but then, when I was a young Senator, he loaned that limousine to my wife Marcelle and me and our three children to go to a movie premier and then to drive elsewhere to meet the cast afterward.

I recall so many times, when I was stuck here late in this Chamber and I could not get home to my family, that my children would remind me, when I came home and apologized: Remember that wonderful evening Senator Mansfield let us take his car and even use the telephone in it.

He would do things like that. He cared very much about those of us who had young children. One, he remembered the names of the children who would come in here with us. Even a few months ago, when I ran into him at an event, we started talking, and he immediately asked: How is Marcelle? He started naming the children. What a remarkable person.

He taught Senators that you have certain responsibilities. There are only 100 of us at any given time to represent the country, but within responsibilities you can have personal relationships across the aisle.

I remember Hugh Scott, traveling with both of them on the plane and them puffing on their pipes. But those personal relationships made the Senate work so well.

I remember the great speech he gave in the Leader's Lecture Series in the Old Senate Chamber. It was the speech he was going to give on a Friday afternoon on November 22, 1963. As he walked in this Chamber to give it, he was told that President Kennedy had been shot. But he gave it in the Old Senate Chamber, and it was just as new as it would have been then, just as responsive.

He said: We have to lower the level of partisanship. We have to work together—of course, not give up our principles—this is not a unibody of opinion—and have the personal relationships that make it work.

He spoke in many ways. He was from a different era of the Senate, but in many ways a better era, where individual Senators, person to person, would work out problems. I think today, as I have seen so many Senators come together on some of these problems since the terrible events of September 11, Senator Mansfield would be proud of us for doing that.

People sometimes ask me what I consider the greatest thing about being a U.S. Senator. I always say one of the greatest was having Senator Mansfield here as leader when I came to the Senate. I have served wonderful leaders in both parties, but what he did to help all of us, as new Senators—to talk with us, to advise us, to work with us, to make us feel we belonged; and then to ask us to make sure others felt they belonged—was unique. The country was better for his service in the Senate.

I think life has shown that each one of us, whether we are leader or not, has the privilege of being 1 of the 100 people in this Chamber who serve our Nation of a quarter of a billion people. And we owe great responsibilities to each other and to the country. That is a great legacy.

So I say it was bittersweet to be there. But it was wonderful to celebrate such a full, full life, a life that so few people ever equal. So I bid adieu to a dear friend.

I yield the floor.